

3763

PATENT
Docket No.: P-3226.04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Elsberry Group Art Unit: 3763
Application No.: 09/872,698 Examiner: Jeremy Thissell
Filed: June 1, 2001 Conf. No.: 3939
Title: THERAPEUTIC METHOD FOR TREATMENT OF ALZHEIMER'S
DISEASE

CERTIFICATE OF MAILING OR TRANSMISSION:

I hereby certify that this correspondence is being deposited

via first class mail with the United States Postal Service with sufficient postage to Mail Stop Petitions,
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on 11/29/05;

or

facsimile transmitted to the U.S. Patent and Trademark Office on _____.

Karla K. Weis

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Attn: Mailstop Petitions
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

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TECHNOLOGY CENTER R3700

Dear Sir:

The above-identified application became abandoned for failure to "timely or properly file new formal drawings as required in the Notice of Allowability mailed December 2, 2002".
Applicant respectfully requests withdrawal of the Notice of Abandonment in view of the following supporting evidence and remarks.

REMARKS

On October 10, 2003, the Applicant filed a Petition to the above-referenced Notice of Abandonment to Mail Stop: Petitions. Private PAIR status indicates that while the drawings were received by the United States Patent and Trademark Office, the accompanying Petition was not formally entered. As such, the application remains abandoned.

On November 23, 2005, a representative of the Applicant spoke with Mr. Irvin Dingle of the Office of Petitions. Upon the suggestion of Mr. Dingle, copies of the documents submitted on October 10, 2003 are enclosed: Petition to Withdraw Notice of Abandonment, Transmittal Letter, Submission of Formal Drawings, and a copy of the return receipt postcard indicating receipt of the documents by the Office of Initial Patent Examination on October 14, 2003.

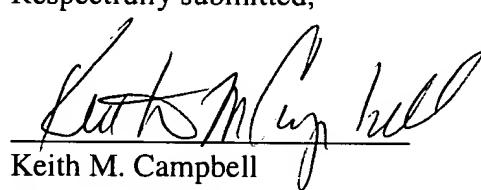
The undersigned hereby re-petitions to Withdraw the Holding of Abandonment and requests that this application be reinstated as the deficiency noted in the Notice of Abandonment has been rectified.

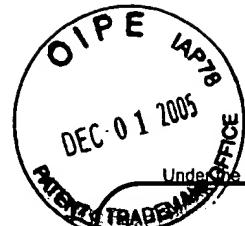
The online Deposit Account status for Account No. 13-2546 indicates that the petition fee of \$1300.00 was charged for the October 17, 2003 petition submission. Applicant believes that no further fee is required for the petition filed herewith. However, should additional fees be required, the Commissioner is authorized to charge Deposit Account number 13-2546 and notify us of same.

Respectfully submitted,

Dated: 28 November 2005

By:


Keith M. Campbell
Reg. No. 46,597
Medtronic, Inc.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, MN 55432-5604
Phone: (763)505-0405
Fax: (763)505-0411
Customer Number.: 27581



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

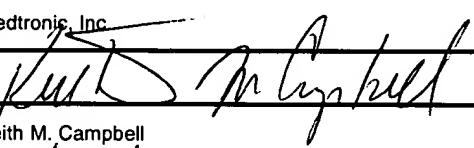
Total Number of Pages in This Submission	24	Attorney Docket Number	P-3226.04
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ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Supporting Enclosures: - Return Receipt Postcard	
<input type="checkbox"/> Remarks			

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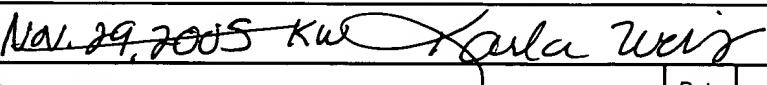
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Medtronic, Inc.		
Signature			
Printed name	Keith M. Campbell		
Date	11/28/05	Reg. No.	46,597

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Karla K. Weis
	Date

11/29/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
Docket No.: P-3226.04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry Group Art Unit: 3763
Application No.: 09/872,698 Examiner: Jeremy Thissell
Filed: June 1, 2001
For: Therapeutic Method for Treatment of Alzheimer's Disease

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at 703-308-6916 on October 10, 2003.

Theresa Belland

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

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According to a Notice of Abandonment mailed June 19, 2003, the above-identified application became abandoned for purportedly failing to "timely file new formal drawings as required by the Notice of Allowability" mailed December 2, 2002. Applicant respectfully requests withdrawal of the Notice of Abandonment in view of the following remarks and supporting evidence.

REMARKS

Applicant filed new formal drawings via the US Postal Service's first class mail service on February 6, 2003, as evidenced by Exhibit A attached hereto.

Applicant's Return Receipt Postcard was date stamped by the "O I P E" of the Patent and Trademark Office as being received on February 11, 2003. A copy of said postcard is attached hereto as Exhibit B.

In reviewing the submitted documents, Applicant notes that the drawings were inadvertently, and unintentionally, filed at "Box PGPub Drawings" rather than "Box Issue Fee". Due to this oversight, Applicant received a notice from the Publication Division stating that the

"replacement drawings for application number 09/872,698 received on 2/11/03 by the U.S. Patent and Trademark Office will be included in the application file but will not be included for patent publication due to untimely submission". See Exhibit C attached hereto.

Applicant herewith resubmits the formal drawings and respectfully requests that this application be reinstated and an Issue Notification granted.

The Commissioner is authorized to charge \$1,300 for the Petition Fee to Deposit Account No. 13-2546. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



Date: October 10, 2003

Stephen W. Bauer
Registration No. 32,192
MEDTRONIC, INC.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, MN 55432-5604
Telephone: 763-505-0422
Facsimile: 763-505-0411
Customer No.: 27581



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D. Elsberry

OCT 12 2003

The "received" stamp of the U.S. Patent and Trademark Office on this card acknowledges the filing on the date stamped of:

Petition to Withdraw Notice of Abandonment; Exhibits A-C;
Formal Drawings; and Return Receipt Postcard.

Applicant: Dennis D. Elsberry
Application No.: 09/872,698
Filing Date: June 1, 2001
Atty Docket No.: P-3226.04US
Initials: SWB:tdb

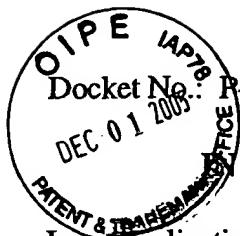
Mailed: October 10, 2003 via first class mail



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MEDTRONIC, INC.



Docket No.: P-3226.04 US

PATENT

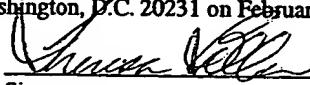
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry Group Art Unit: 3763
Application No.: 09/872,698 Examiner: J. Thissell
Filed: June 1, 2001 Due Date: March 3, 2003
For: Therapeutic Method for Treatment of Alzheimer's Disease

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PGPub Drawings, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 6, 2003.

Theresa Belland

Printed Name


Signature

TRANSMITTAL LETTER

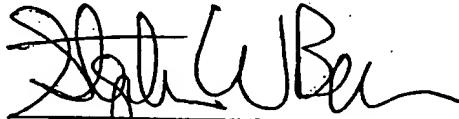
Attn: Official Draftsperson
Box PGPub Drawings
Assistant Commissioner for Patents
Washington, D.C. 20231

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Enclosed for filing in the above-identified application are the following:

- Transmittal Letter (in duplicate)
- Submission of Formal Drawings, including 7 sheets of Formal Drawings
 - The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the Petition Fee
- Return Postcard
- Please charge any additional fees or credit any overpayments to Deposit Account No. 13-2546, which may have been overlooked with regard to this filing. A duplicate of this Transmittal Letter is enclosed.

Respectfully submitted,



Stephen W. Bauer

Registration No. 32,192

Medtronic, Inc.

710 Medtronic Parkway NE, MS: LC340

Minneapolis, Minnesota 55432-5604

Telephone: (763) 505-0422

Facsimile: (763) 505-0411



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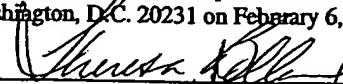
PATENT
Docket No.: P-3226.04 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry Group Art Unit: 3763
Application No.: 09/872,698 Examiner: J. Thissell
Filed: June 1, 2001 Due Date: March 3, 2003
For: Therapeutic Method for Treatment of Alzheimer's Disease

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PGPub Drawings, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 6, 2003.

Theresa Belland
Printed Name


Signature

SUBMISSION OF FORMAL DRAWINGS

Attn: Official Draftsperson
Box PGPub Drawings
Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

Submitted herewith are seven (7) sheets of formal drawings, containing Figures 1-9.

Please charge Deposit Account No. 13-2546 in the amount of \$130.00 for the petition fee
for submitting these formal drawings.

Respectfully submitted,



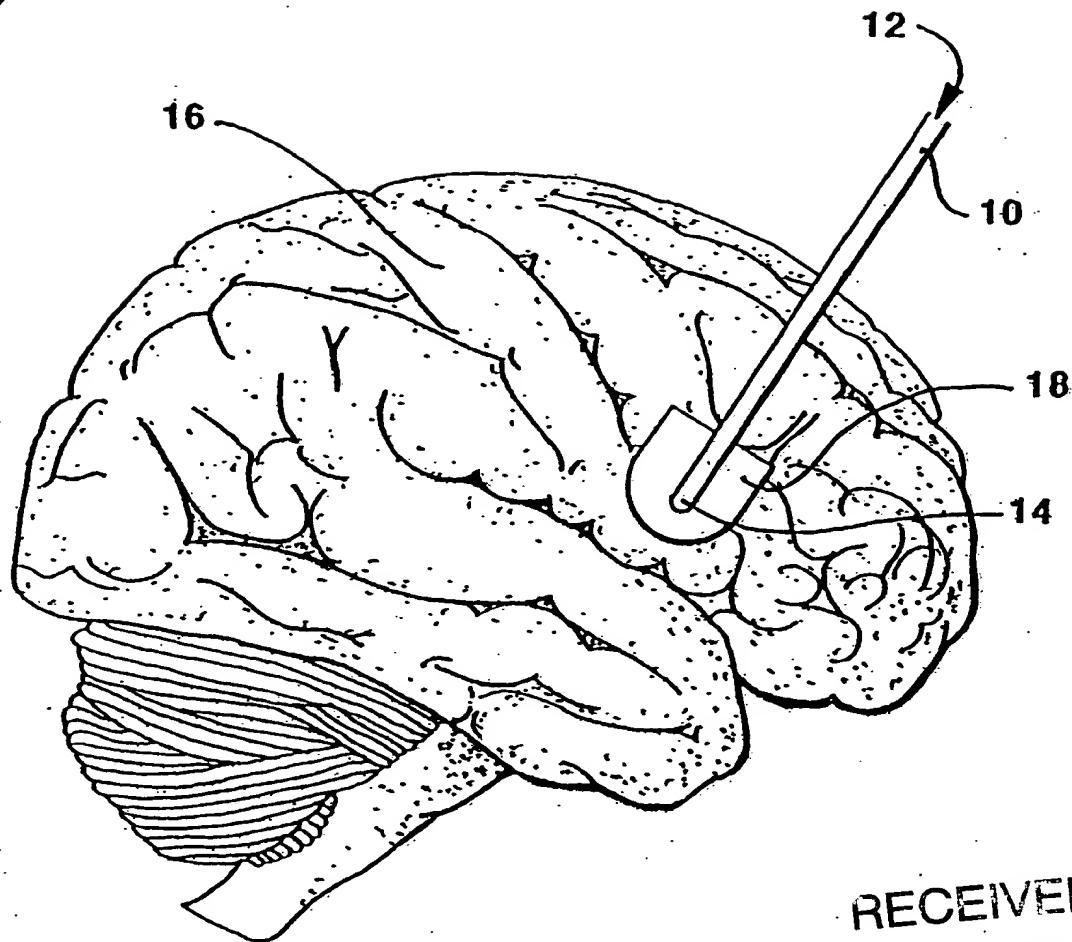
Stephen W. Bauer
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Medtronic, Inc.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, Minnesota 55432-5604
Telephone: (763) 505-0422
Facsimile: (763) 505-0411



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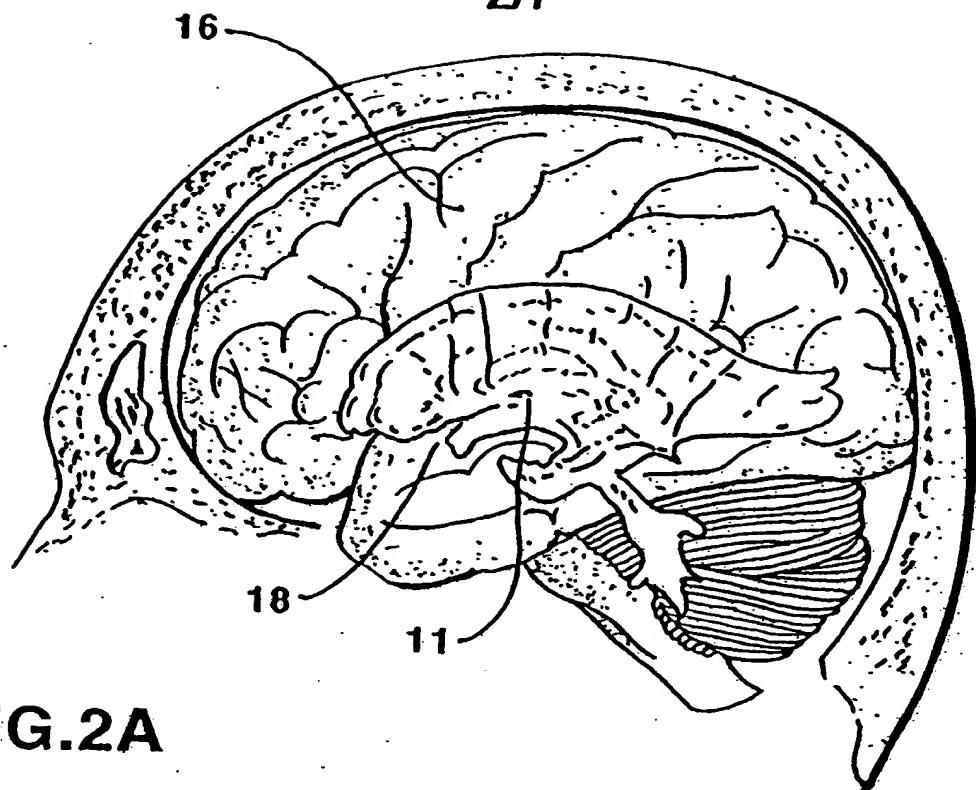
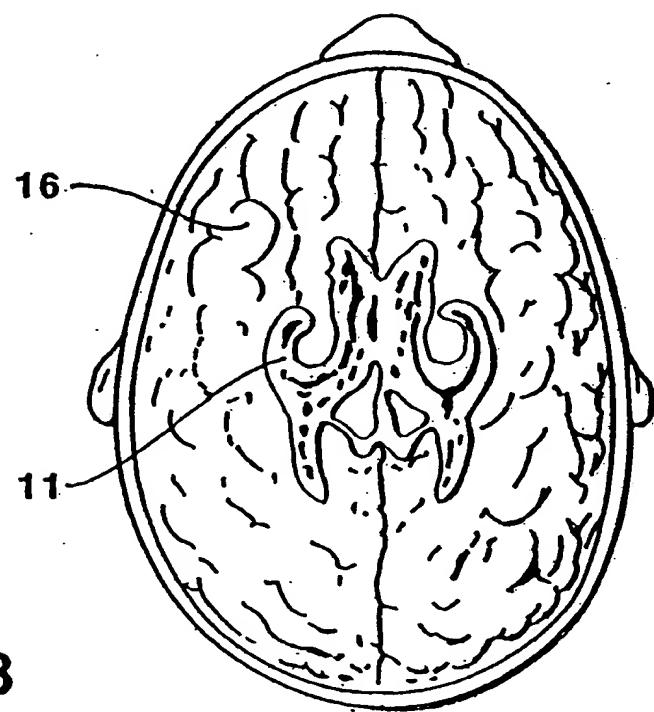
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FIG.1

2/7

**FIG.2A****FIG.2B**

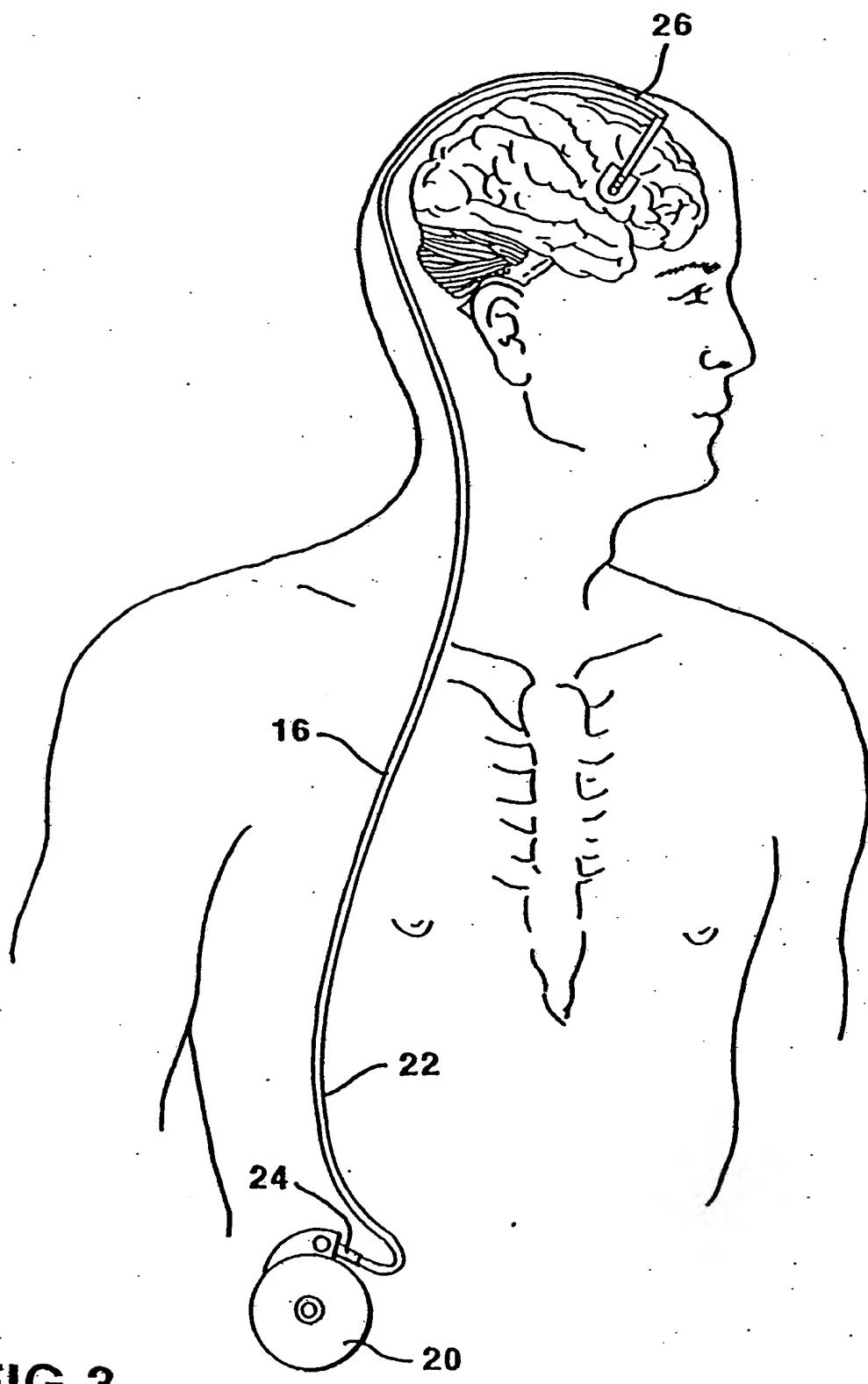


FIG.3

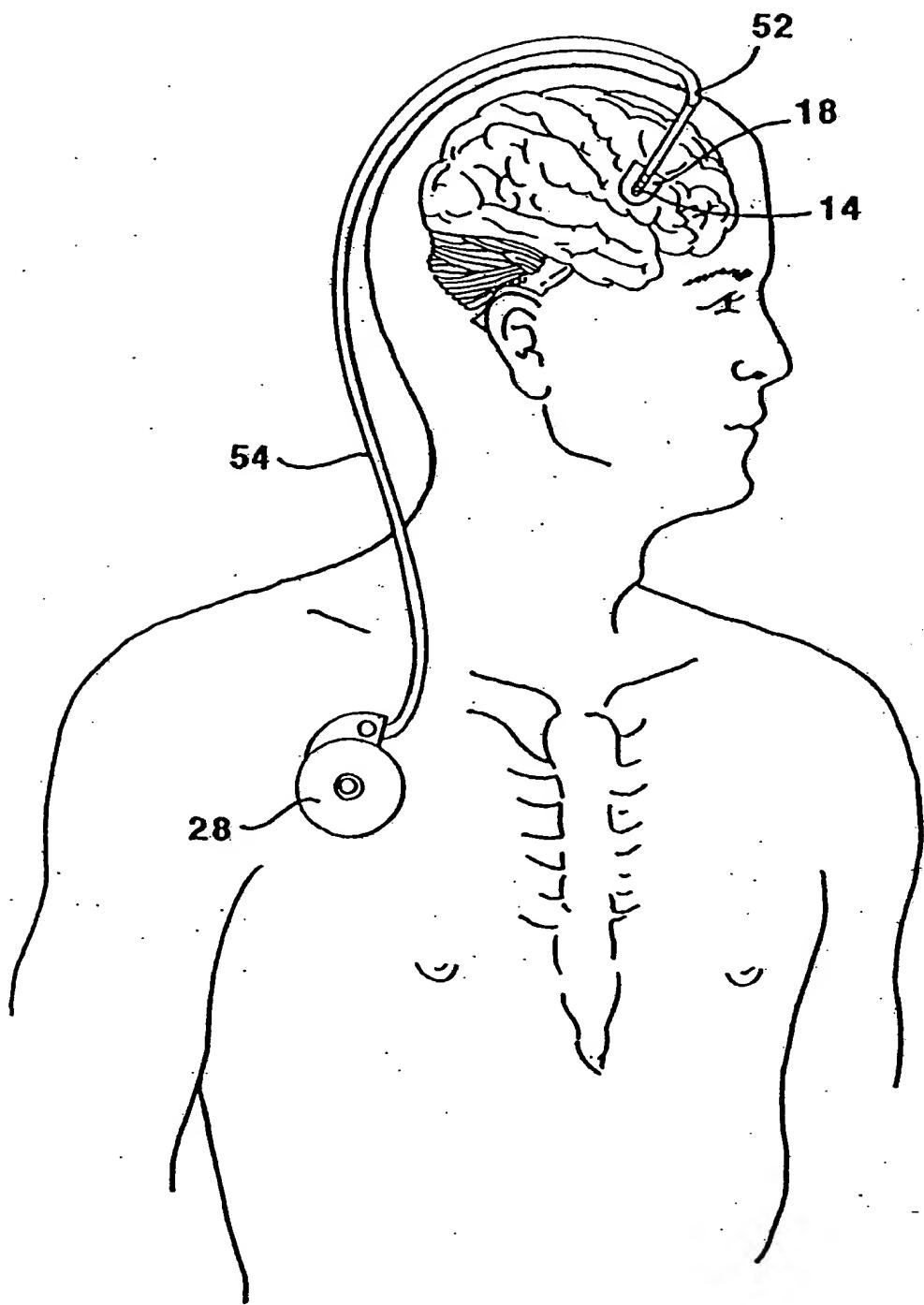


FIG.4

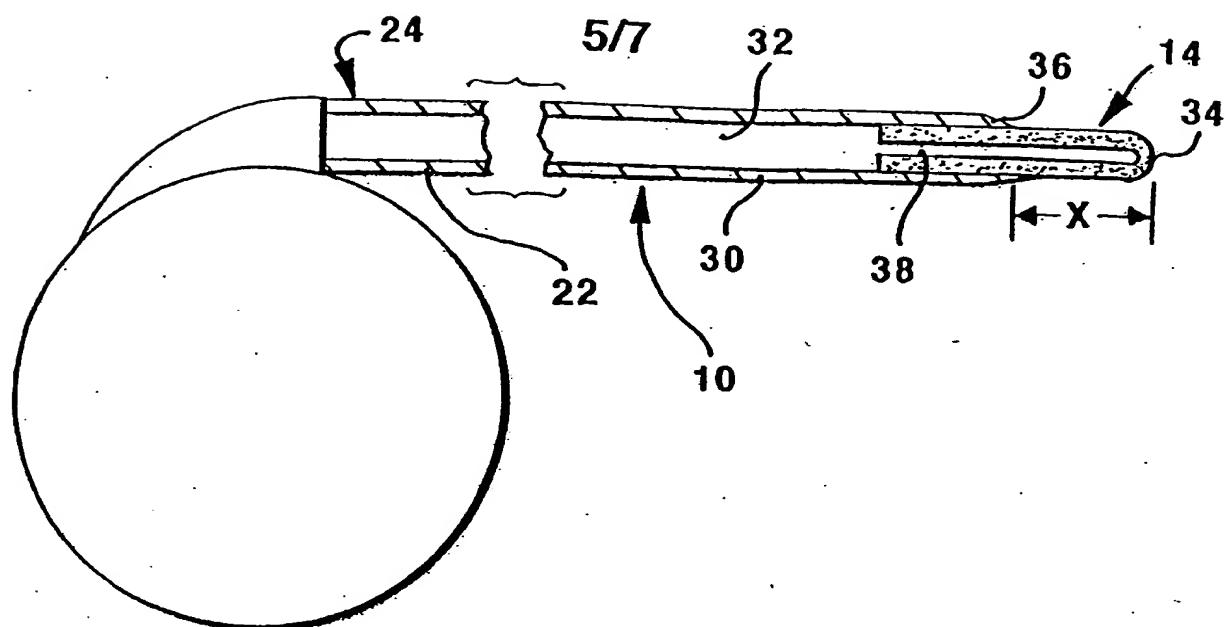


FIG. 5

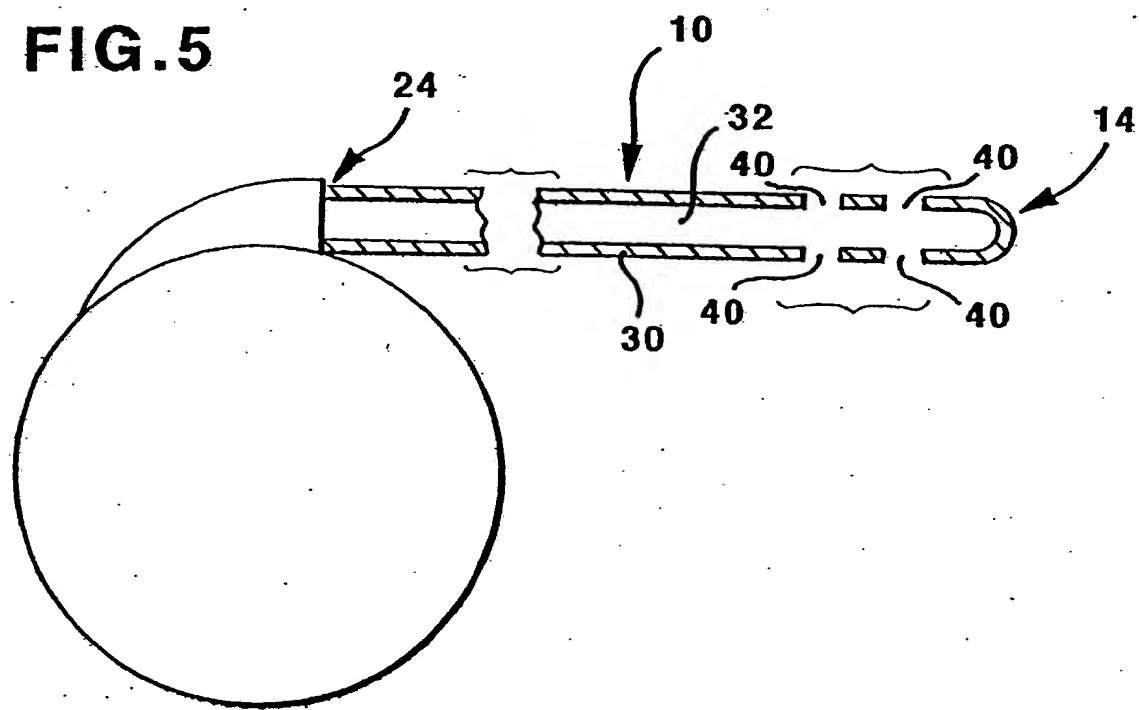


FIG. 6

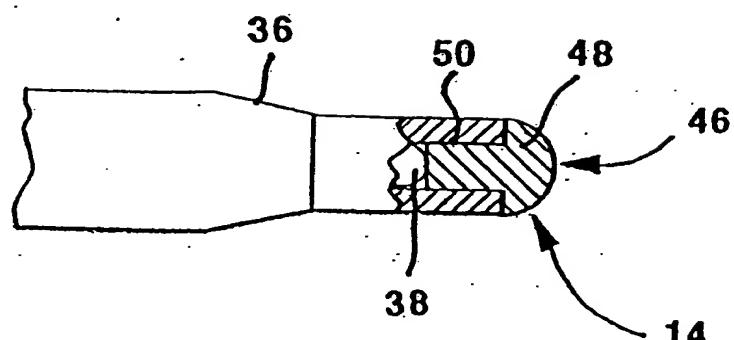


FIG. 7

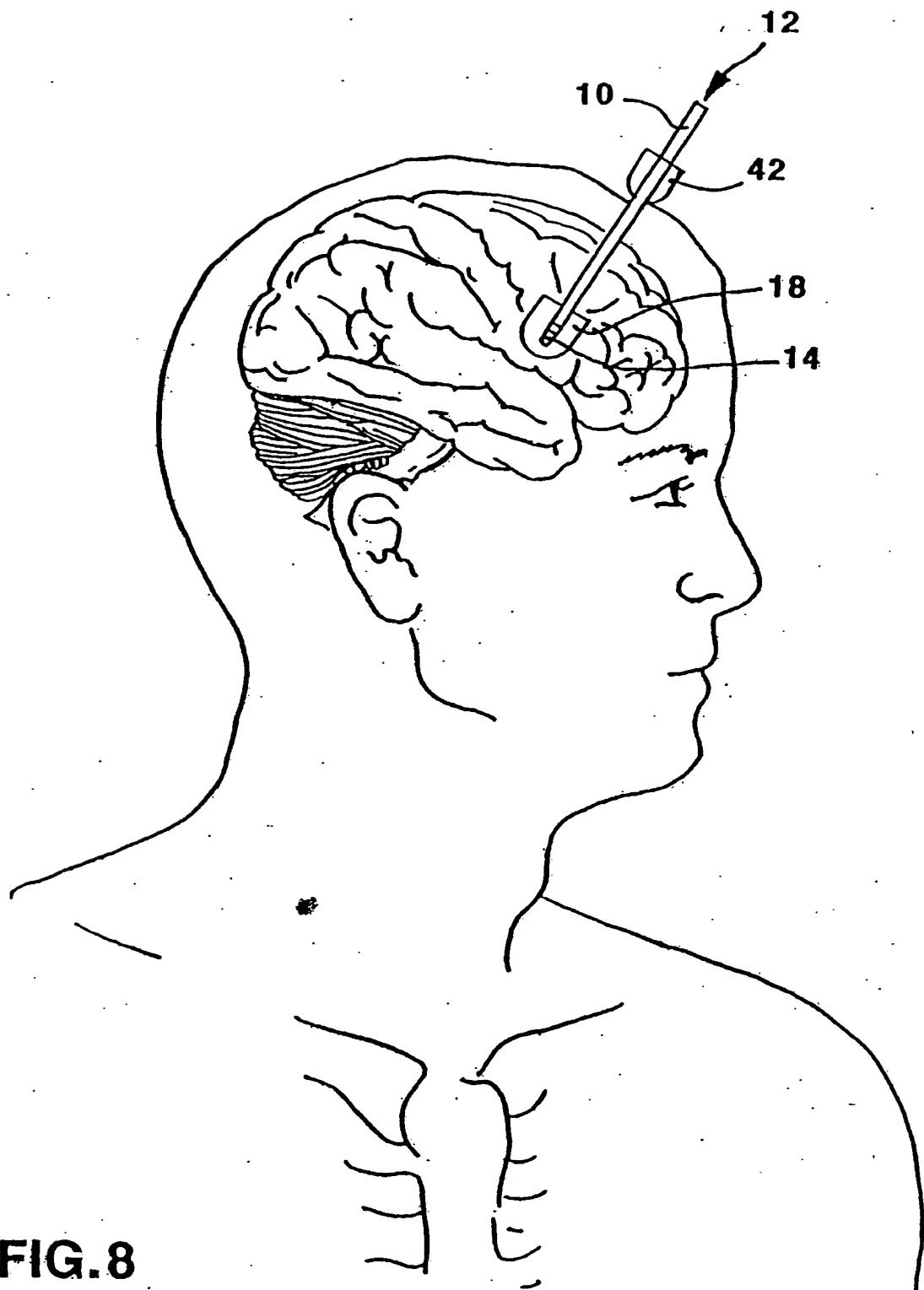


FIG. 8

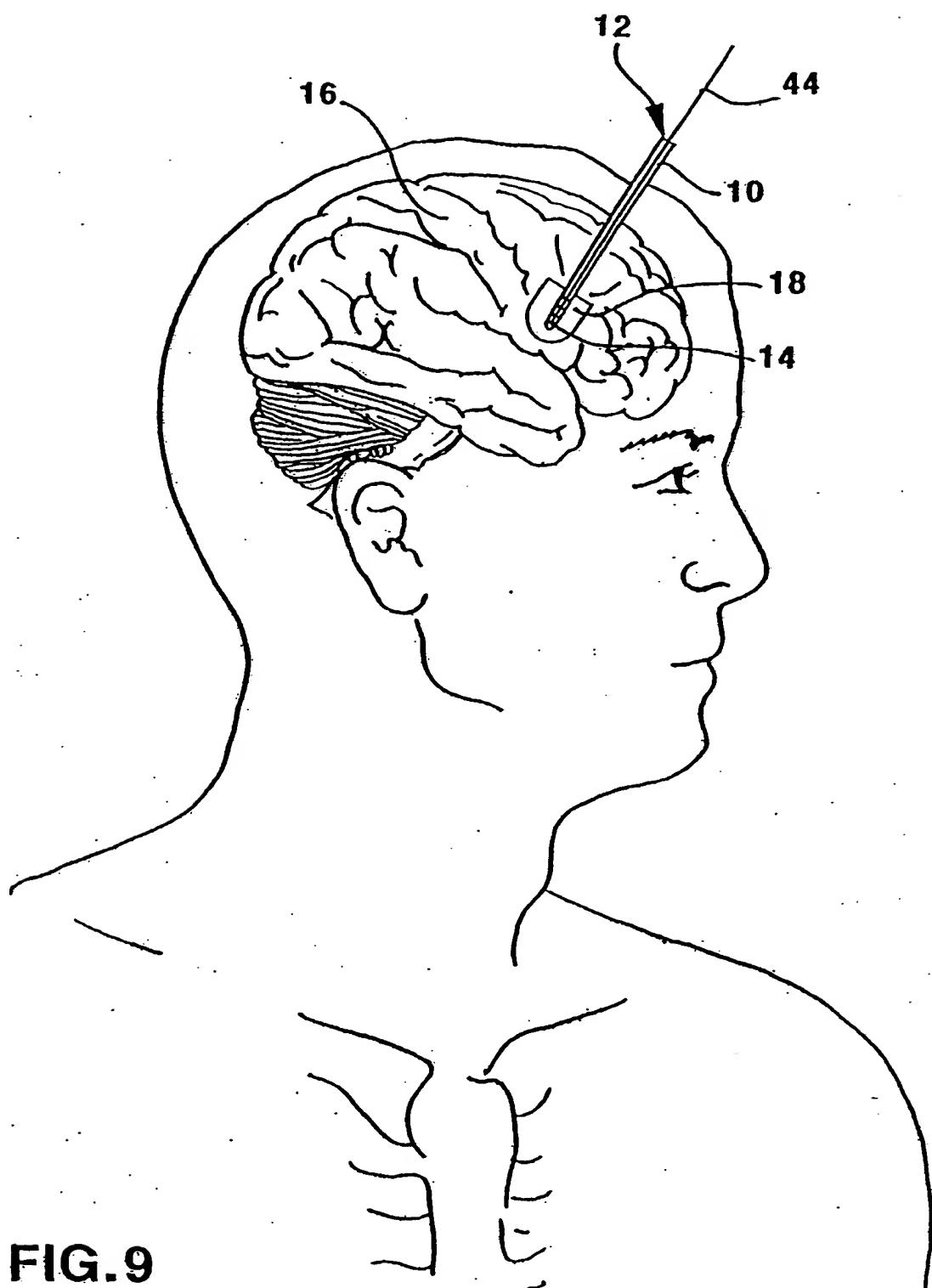


FIG. 9



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Docketing

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COPY

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Transmittal Letter; Formal Drawings; and Return Receipt
Postcard.

Applicant: Dennis D. Elsberry
Application No.: 09/872,698
Filing Date: June 1, 2001
Due Date: March 3, 2003
Atty Docket No.: P-3226.04 US
Initials: SWB:tdb

Mailed: February 6, 2003 via first class mail

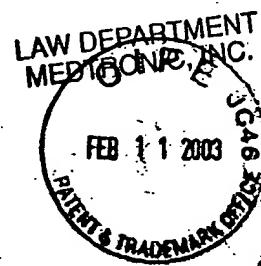
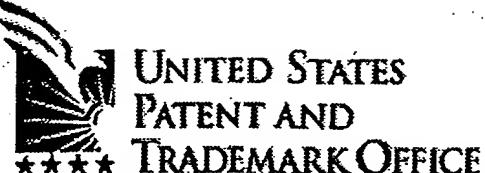


Exhibit - B



UNITED STATES
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TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

P-3226.04

3/24/03

Reviewed By
Docketing

APR 08 2003

Medtronic Inc
710 Medtronic Parkway NE
MS : LC340
Minneapolis MN 55432-5604

COPY

Dear Applicant:

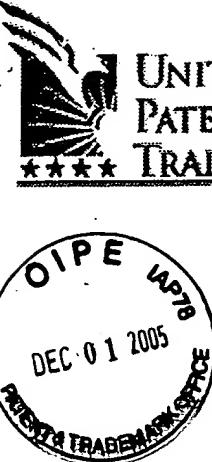
The Box PGPub replacement drawings for application number 09/872,698 received on 2/11/03 by the U. S. Patent and Trademark Office will be included in the application file but will not be included for patent publication due to the following reason(s):

- 1) Non compliance:
 - Drawing(s) and/or Figure(s) Missing
 - Deficiencies in Drawings:
 - Improper paper size – must be either A4 (21cm x 29.7cm) or 8-1/2" x 11"
 - Improper margins (each drawing sheet must include a top margin of at least 1 inch, a left side margin of at least 1 inch, a right side margin of at least 5/8 inch, and a bottom margin of at least 3/8 inch)
 - Not reproducible:
 - Paper too thin
 - Glossy pages
 - Non-white background
 - Drawing Objection(s)
 - Missing lead lines, drawing(s) _____
 - Line quality is too light, drawings(s) _____
 - More than 1 drawing and not numbered correctly
 - Non-English text, drawing(s) _____

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LAW DEPARTMENT
MEDTRONIC, INC.



UNITED STATES
PATENT AND
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Commissioner for Patents
Washington, DC 20231
www.uspto.gov



- Excessive text, drawing(s) _____
- Photographs capable of illustration, drawing(s) _____
- Photographs may not be mounted (must be developed on a sheet of paper meeting the paper size requirement). 37 CFR 1.85(e)

2) Submission Did Not Meet Fee Requirements

- No Fee
- Insufficient fee by check
- Insufficient funds in deposit account
- Declined credit card
- Non authorization for charge to deposit account

3) Untimely Submission

If you desire to have replacement drawings included for patent publication, you must submit new drawings, a petition, the petition fee of \$130 and a transmittal letter. The new submission must be submitted to the U. S. Patent and Trademark Office within the later of one month from the filing date of the application, or fourteen months from the earliest filing date for which a benefit is sought under title 35, United States Code.

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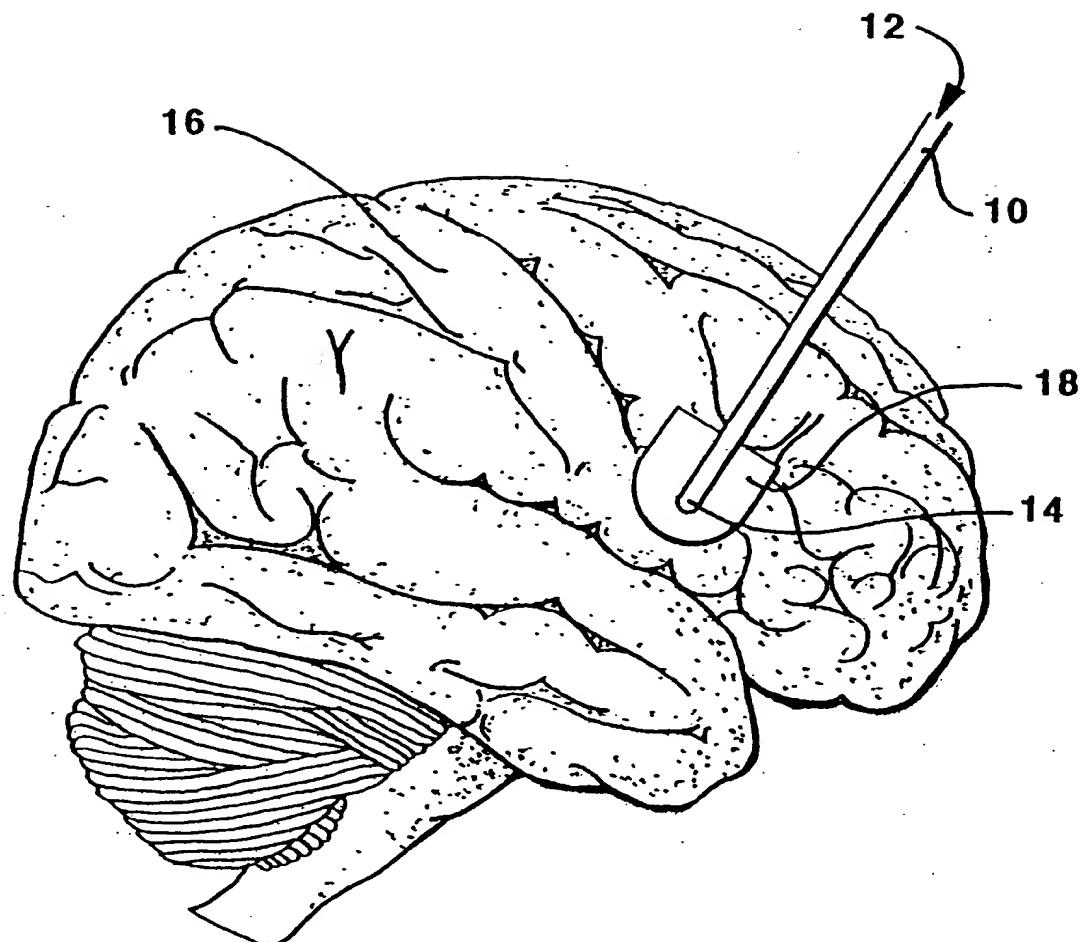
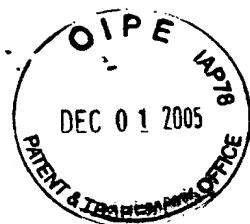
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Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.



Signature of Reviewer, Office of Initial Patent Examination

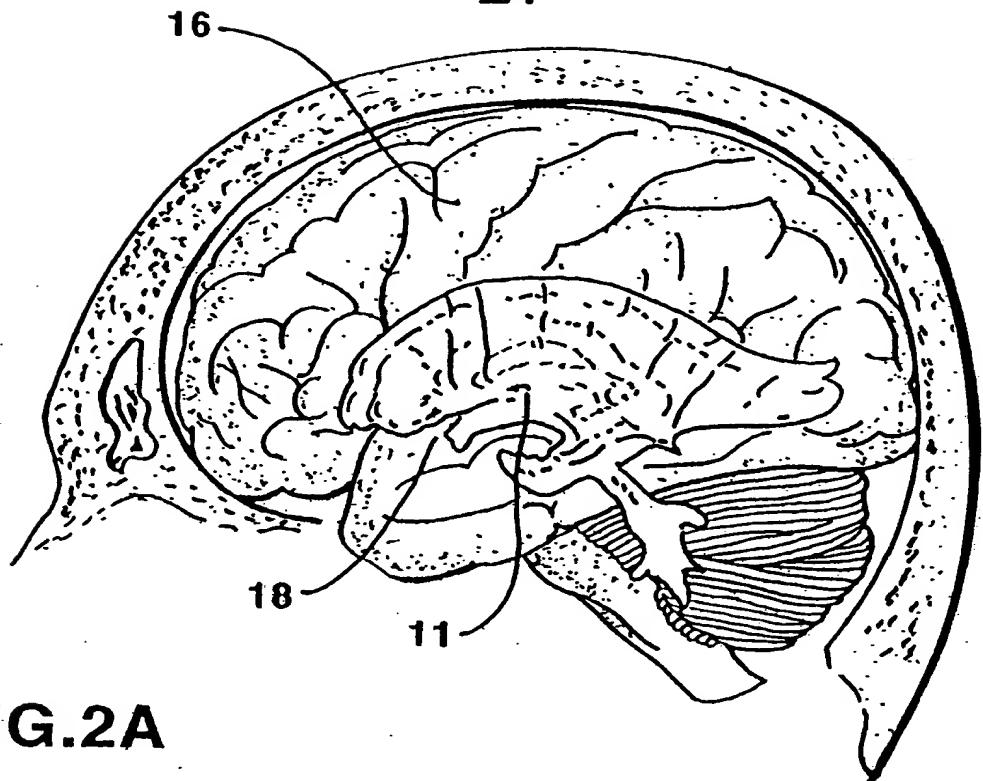
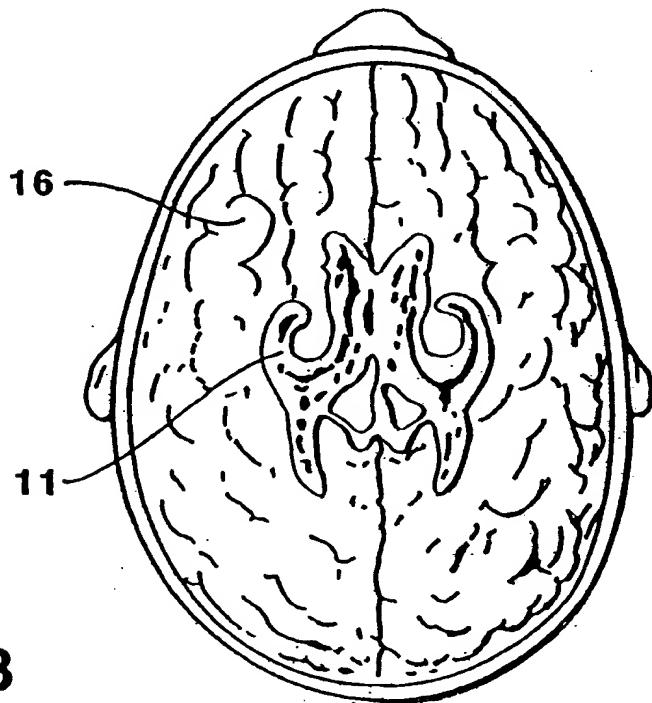
1/7

**FIG. 1****RECEIVED**

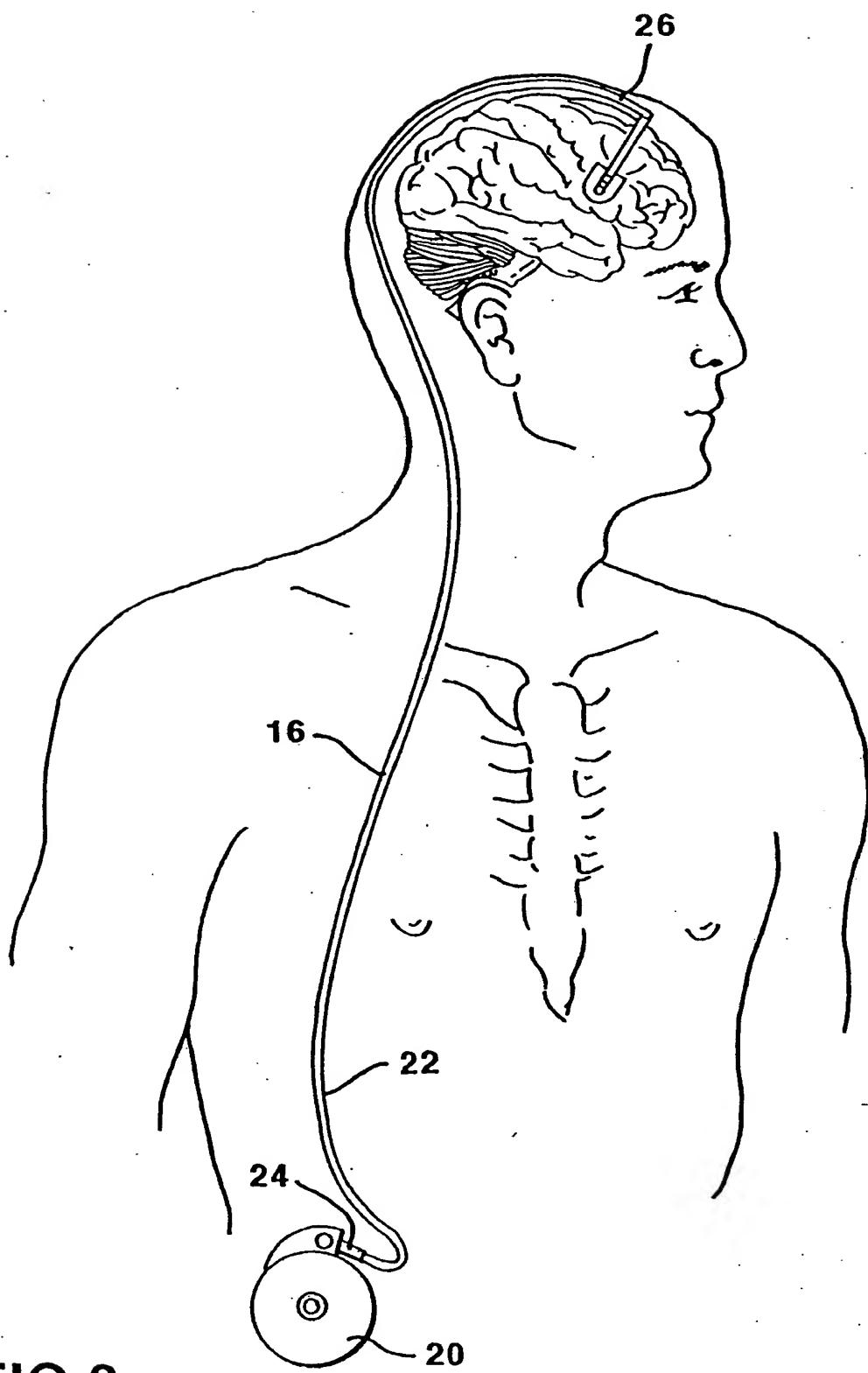
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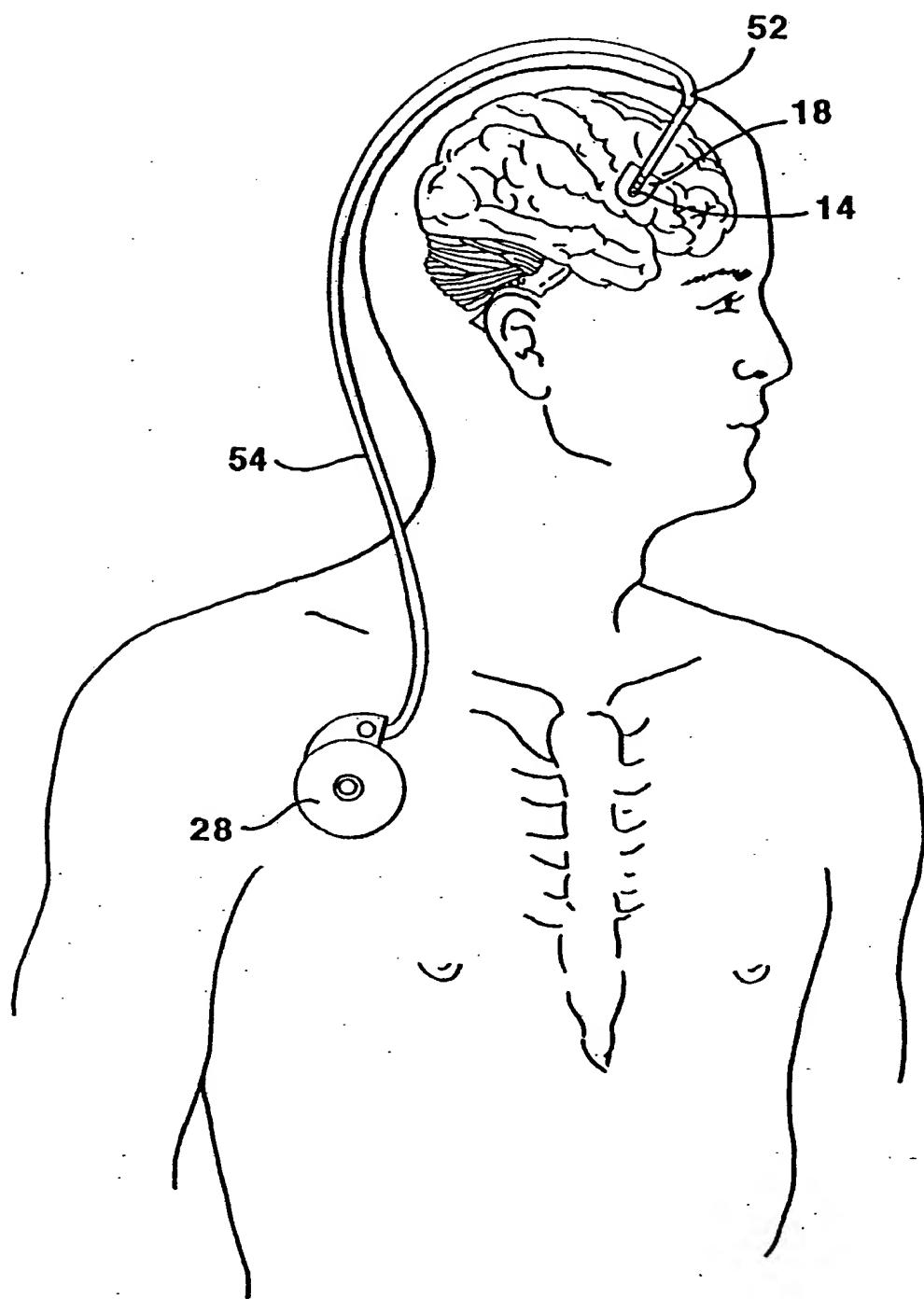
2/7

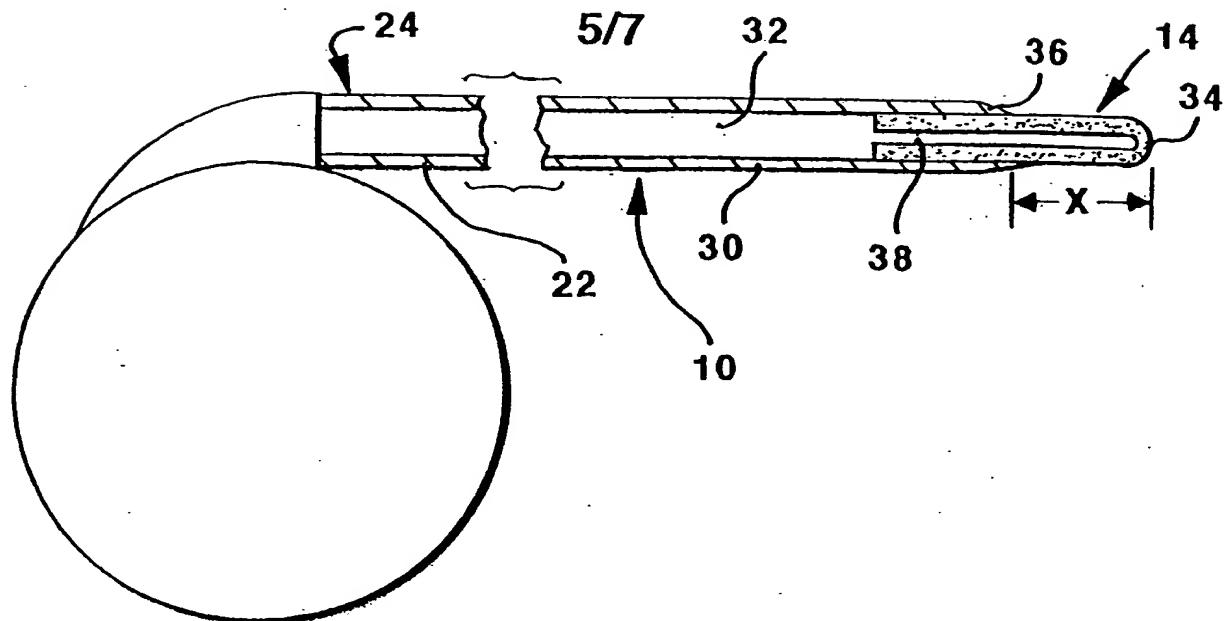
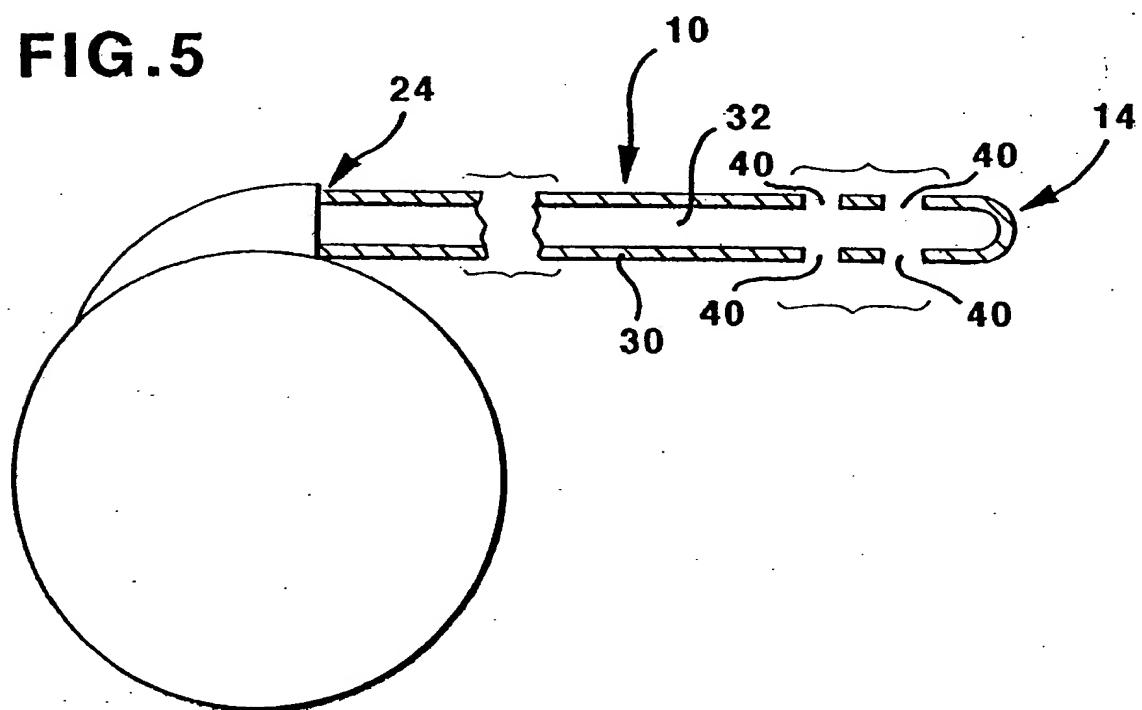
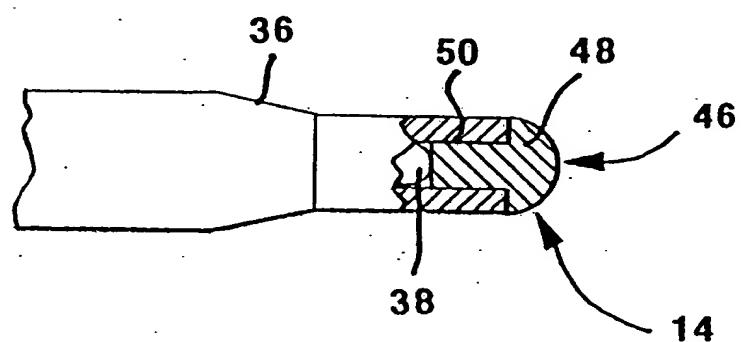
**FIG.2A****FIG.2B**

3/7

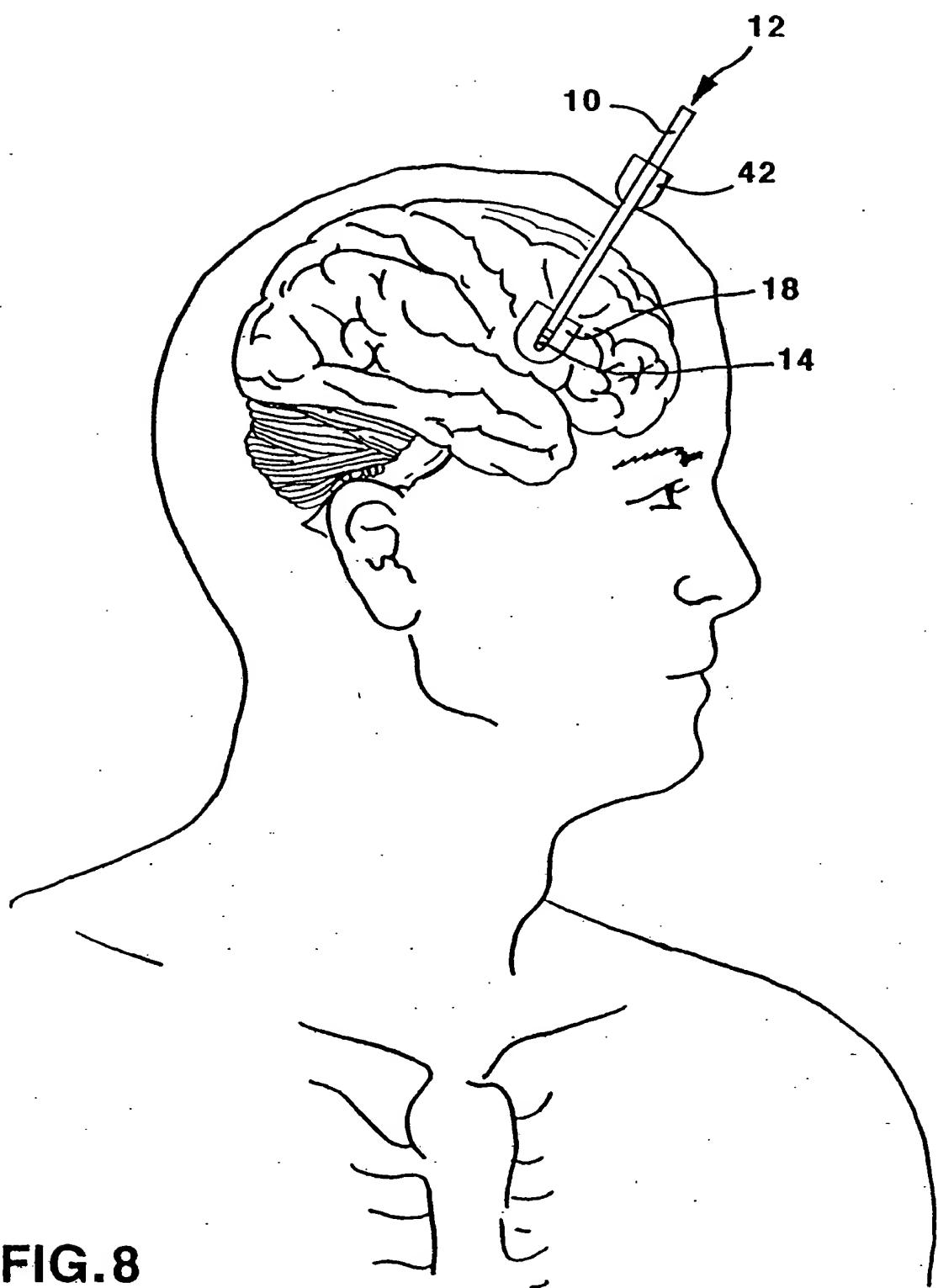
**FIG.3**

4/7

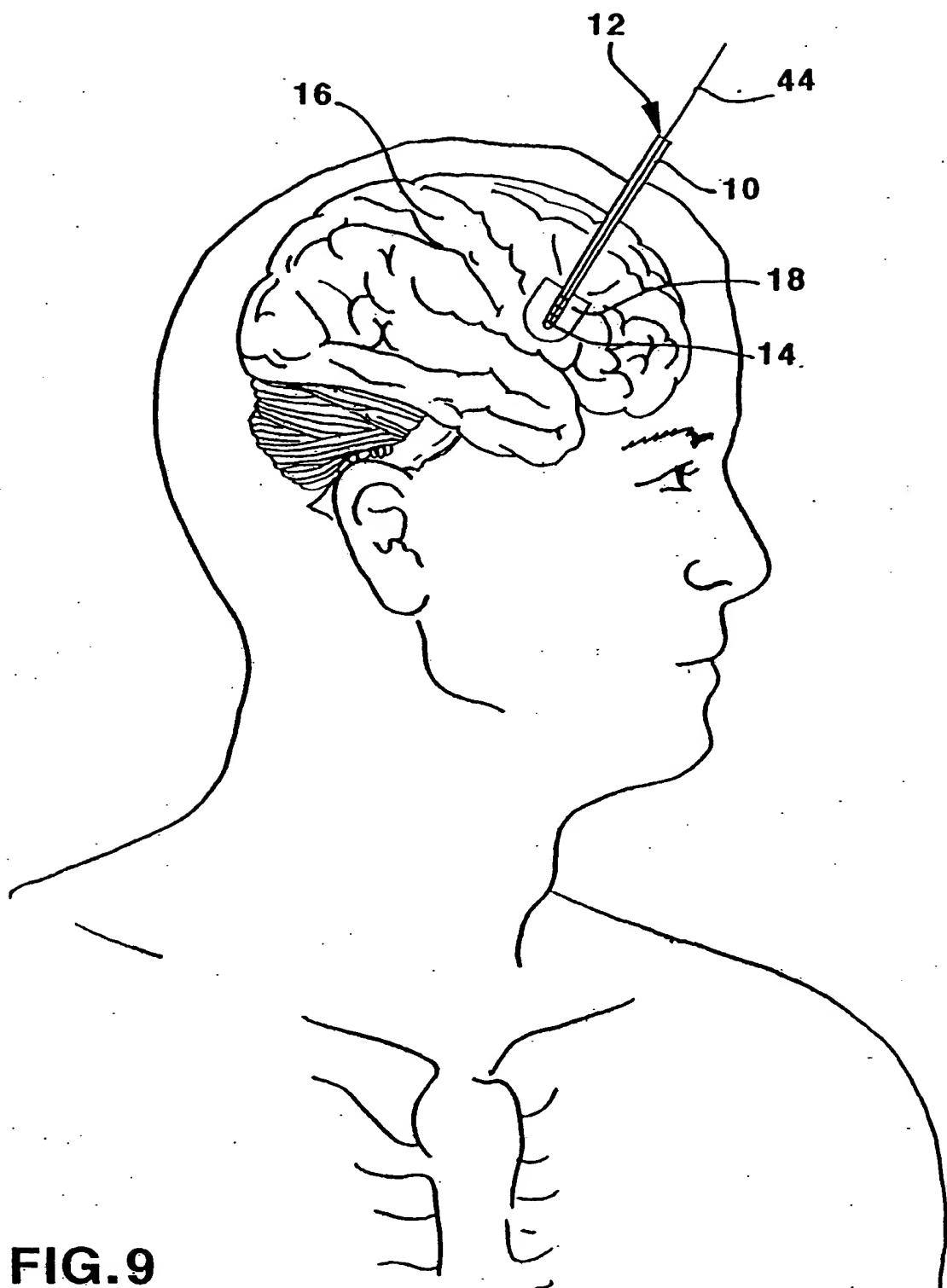
**FIG.4**

**FIG. 5****FIG. 6****FIG. 7**

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**FIG. 8**

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**FIG. 9**